

Sentence Review Division
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SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA

STATE OF MONTANA,)	Cause No. DC-18-261
)	
Plaintiff,)	Silver Bow County District Court
)	Montana Second Judicial District
)	
-vs-)	DECISION
)	
CHARLES ALLEN ARMSTRONG,)	
Defendant.)	

On April 25, 2019, the Defendant was sentenced to a five (5) year commitment to the Montana Department of Corrections for the offense of Count I: Criminal Possession of Dangerous Drugs. The sentence was ordered to run consecutively with the sentences imposed in Lewis and Clark County Cause Nos. DC 18-320 and DC-18-321. The Defendant was granted credit for time served in the amount of 25 days.

On November 7, 2019, the Defendant's Application for review of that sentence was heard by the Sentence Review Division of the Montana Supreme Court (hereafter "the Division"). The Defendant was present and was represented by Stephanie DeBoer, Defense Counsel. The State was not represented.

Before hearing the Application, the Defendant was advised that the Division has the authority not only to reduce the sentence or affirm it, but also increase it. The Defendant was further advised that there is no appeal from a decision of the Division. The Defendant acknowledged that he understood this and stated that he wished to proceed.

Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

The Division finds that the reasons advanced for modification are insufficient to hold that the sentence imposed by the District Court is clearly inadequate or clearly excessive.

Therefore, it is the unanimous decision of the Division that the sentence is **AFFIRMED**.


Done in open Court this 7th day of November, 2019.

DATED this 11th day of December, 2019.

SENTENCE REVIEW DIVISION



Hon. Brenda Gilbert, Chairperson



Hon. Dan Wilson, Member



Hon. Luke Berger, Member

Copies mailed this 13th day
of December, 2019, to:

Clerk of District Court (Original)
Charles Allen Armstrong #2057169, Defendant (2)
Hon. Kurt Krueger
Stephanie DeBoer, Defense Counsel
Samm Cox, Esq.
Board of Pardons and Parole
MSP - Records Dept.



Georgia Lovelady, Judicial Assistant
Sentence Review Division